



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

Diane M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2402997  
**Applicant Name:** Robert Koch  
**Address of Proposal:** 1100 5<sup>th</sup> Avenue West

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for future 920 square foot second story addition to a detached accessory structure (pool house). The project includes a 70 square foot enclosed walkway to a single family residence.

The following approvals are required:

**Variance** - to allow a portion of a principal structure in required rear yard (SMC 23.44.014B)

**Variance** – to allow a portion of a principal structure in a required side yard. (SMC 23.44.014C)

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction

## **BACKGROUND DATA**

### **Site and Development Description**

The 15,000 square foot site is at the northeast corner of West Prospect Street and 5<sup>th</sup> Avenue West in the Queen Anne neighborhood. The lot dimensions are 100 feet by 150 feet and the zoning is Single Family 5000. The site is developed with a 3-story single family home, a one-story detached accessory structure (pool house) and a swimming pool.

The home sits atop a level terrace about 18 feet above West Prospect Street. The slope descends to West Prospect Street via two rockeries, one in the West Prospect right of way and another about 10 feet north of the property line. The site levels off about 13 feet from the West Prospect Street property line. Fifth Avenue West is a steeply sloped street and provides level access to the driveway and an attached garage.

The home is sited on the northern portion of the parcel, 40 feet from the West Prospect (reverse corner side yard) property line and about 11 feet from the interior side yard. The home is about 40 feet from the 5<sup>th</sup> Avenue West (front yard) property line and about 50 feet from the rear property line.



Four public comments were received during the comment period which ended on July 14, 2004. All the comment letters expressed opposition to the variance.

### **ANALYSIS –VARIANCE**

Pursuant to SMC 23.40.020(C), variances from the provisions or requirements of the Land Use Code shall be authorized when all the facts and conditions listed below (in the numbered paragraphs) are found to exist. Analysis for the variances requested follows each statement of required facts and conditions.

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

The site topography includes steep slopes at the outer edges of the property, especially on the south and north sides. A 24 foot tall retaining wall is located just north of the north property line and wraps around to the east. The house rises several feet above the top of the retaining wall and the existing accessory structure is well below the top of the wall. The house is sited on the northerly side of the property about 11 feet from the north property line.

Theoretically, the siting of the house towards the north and closer to the wall makes views from the neighboring properties to the north less obscured. There is about 40 feet from the house to the south property line and about 27 feet from the house to the top of the closest rockery. The siting of the house has resulted in a large landscaped open space south of the house. The flat area south of the house provides in excess of 2500 square feet in the principal building envelope that could accommodate a code complying addition. More importantly, a 323 square foot, 2<sup>nd</sup> floor addition to the accessory structure is possible within the principal building envelope. A larger code complying addition to the accessory structure or to the house at ground level is possible close to the swimming pool.

There are unusual conditions on the site and immediately adjacent (retaining wall); however, they clearly would not deprive the property rights and privileges enjoyed by other properties in that many code complying options are available for this addition.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

Other homes in the vicinity are very large so the size of the addition requested in this case is not unreasonable considering its surroundings. However, as stated in criterion 1, there is ample opportunity to site an addition in a code complying location; therefore, no relief is warranted.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

No evidence has been provided to show that the proposal would be detrimental or injurious to other properties, specifically that the addition would block views. To the contrary, the applicants contend that the siting of the addition would be beneficial to the neighbors in that it would be close to and not rise above the 24 foot tall retaining wall. They contend that an addition on the south side of the house would be more intrusive and potentially block views that are presently enjoyed. Additionally, they contend that the open space is an aesthetic benefit to the owner and the neighbors which would be undoubtedly lost if development occurred on the south side of the house.

Although no view studies have been provided, it is likely that the proposed location and configuration of the addition would not be very visible from neighboring properties; therefore, not be materially detrimental to the public welfare or injurious to the others.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue and unnecessary hardship;*

The literal and strict application of the Code's yard requirements would not create an undue hardship or practical difficulty.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations in the area.*

The proposed variance would not be consistent with the spirit and purpose of the Code, as it would permit intrusion into a required yard by a principal structure, absent the Code recognized circumstances that permit such intrusion.

#### Conclusion

This proposal fails to meet all the variance criteria primarily because there is opportunity to construct an addition that meets the code yard requirements. The code does not provide that variance relief can be granted on the basis that the design meets their own needs and does not block their neighbor's views.

#### **DECISION - VARIANCE**

#### **DENIED.**

Signature: \_\_\_\_\_ (signature on file) Date: \_\_\_\_\_ December 16, 2004  
Jess Harris, AICP, Senior Land Use Planner